

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79532 of 2023

Arising Out of PS. Case No.-62 Year-2023 Thana- PAWANA District- Bhojpur

1. Indal Sharma, son of Ram Jiwan Sharma,
 2. Rinku Devi, wife of Atama Sharma
- Both are R/o Village- Bhagwanpur, Ward No. 05, Police Station- Pawana,
Dist.- Bhojpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Pawana P.S. Case No.62 of 2023 registered under Sections 406, 404, 420 and 120-B of the Indian Penal Code.

3. Allegation against the petitioners is to defalcate the amount as received for execution of 'Nal Jal Yojna', where petitioners no.1 is ward Sachiv and petitioner no.2 is ward member.

4. It is submitted by learned counsel that petitioners have been implicated falsely with present case out of political disputes and differences. It is submitted that no specified amount was handed over to the petitioners to execute the 'Nal Jal Yojna'. It is submitted that a certificate proceeding was also initiated against the



petitioners. While concluding argument, learned counsel appearing for the petitioners submitted that the operation of bank account is not possible without having joint signature and moreover the allegation is appearing very much general and omnibus in nature. Both petitioners are of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submissions, as *prima facie* amount in issue is not specified which was alleged to be transferred in the account of the petitioners for execution of ‘*Nal Jal Yojna*’, where petitioners are of clean antecedent, accordingly, both above-named petitioners are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Arrah in connection with Pawana P.S. Case No.62 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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